

# **EXHIBIT 3**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
SUCR 071882

\* \* \* \* \*  
COMMONWEALTH OF MASSACHUSETTS

- VS -

MOTION HEARING  
DAY ONE

SHAWN DRUMGOLD

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

BEFORE: ROUSE, J

July 29, 2003  
Boston, Massachusetts

APPEARANCES:

DAVID MEIER, Esquire, Assistant District  
Attorney, for the Commonwealth

ROSEMARY SCAPICCHIO, Esquire, for the Defendant

Mary M. Wrighton  
Official Court Reporter

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1 Q And then what happened?

2 A Then he called me and he came by the house and we  
3 spoke.

4 Q And when you say he came by the house --

5 A He came by my home.

6 Q Where is that? Where was that?

7 MS. SCARPICCHIO: Objection.

8 A Where I'm living now?

9 MR. MEIER: I'm sorry. Strike the  
10 question. I apologize.

11 BY MR. MEIER:

12 Q It wasn't on Sonoma Street?

13 A No, it wasn't.

14 Q And when he came by your house, did you meet with  
15 him?

16 A Yes, I did.

17 Q And did you talk with him?

18 A Yes, I did.

19 Q And at some point you signed a two-page  
20 typewritten document?

21 A Yes.

22 Q And do you know, how was it that you signed that  
23 document?

24 A What do you mean?

1 Q I'm sorry. That's a silly question. Did you  
2 type up the document? Did someone else type it  
3 up? Was it shown to you? Did you read it?

4 A I spoke with him. He wrote it down and someone  
5 else typed it up. I didn't type it.

6 Q When you spoke with him, where did you first  
7 speak with him?

8 A At my home.

9 Q And when you say he wrote it down --

10 A He wrote it on paper.

11 Q Excuse me?

12 A He wrote it with a pen, piece of paper, what I  
13 said.

14 Q And when he wrote it on a piece of paper with a  
15 pen what you said, what happened when he finished  
16 writing?

17 A What do you mean, what happened?

18 Q Did he leave that with you? Did he take it with  
19 him?

20 A No. He left me his card and he told me if I  
21 needed to talk to him or whatever, to call him,  
22 whatever.

23 Q And he left with what he wrote down?

24 A Yes.

1 Q And what's the next communication you had with  
2 him, Mr. Keller?

3 A He brought the affidavit back to me and I looked  
4 it over and I signed it.

5 Q And the affidavit that he brought back to you,  
6 how long after you first met with him did he  
7 bring back the affidavit?

8 A I can't remember. It's weeks, a couple weeks.  
9 I can't remember. A week, couple weeks. I'm not  
10 sure.

11 Q Did you see the handwriting that he had written  
12 down?

13 A I'm sorry?

14 Q When he was writing something down on a piece of  
15 paper with a pen, did he bring that back with  
16 him, too, or just the typewritten affidavit?

17 A He had a bag. I don't know what he had in his  
18 bag but he brought the affidavit back and I  
19 looked it over.

20 Q And you signed it?

21 A And I signed it.

22 Q And did you have any other conversation with  
23 Gemini Hullum about your meeting with this  
24 investigator?

1 A Did I have any more conversation with her?

2 Q Yes.

3 A Yeah, we talked about it.

4 Q And how many times did you talk about it with Ms.  
5 Hullum?

6 A Once or twice. Not a lot.

7 Q Excuse me?

8 A Once or twice. Not a lot.

9 Q And when you talked to Ms. Hullum, was that  
10 before the investigator came out the first time,  
11 after he came out the first time, or after he  
12 came out the second time?

13 A I'm sorry?

14 Q You got a phone call from Gemini Hullum?

15 A I spoke with her, yes.

16 Q Then the investigator came out and he took some -  
17 - he wrote down some things you said?

18 A Yes, correct.

19 Q And then he left and he came back another time  
20 with a typewritten affidavit, correct?

21 A Yes.

22 Q So you met him twice or was there a third time?

23 A I met him a couple times. I mean, he came back  
24 and forth, but, yes, sir..

1 Q Let me ask you this, I'm sorry. How many times  
2 did you meet with Mr. Keller?

3 A Maybe three or four times.

4 Q Okay. There's one time when he comes out and  
5 talks to you and he writes down what you're  
6 saying, correct?

7 A Correct.

8 Q And that's on a piece of paper with a pen?

9 A Yes.

10 Q And there's another time when he comes back with  
11 a typewritten two-page affidavit. You read it  
12 over and you sign it?

13 A Well, the first affidavit he came back with he  
14 misspelled something and he got a few words  
15 confused.

16 Q I'm sorry. The first affidavit he came back  
17 with?

18 A He misspelled something and he got a few words  
19 confused on the affidavit so he had to go back  
20 and redo it. Then I was skeptical about signing  
21 it but then I signed it.

22 Q Was the first person that you heard from Ms.  
23 Hullum about this case?

24 A Yes.